

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Cacho-Cambo Trust; and Grupo
Cacho, Inc.,

Plaintiffs,

v.

Dawn Holding Company, LLC.; Mrs.
Kaushalya Siriwardana; Helping
Hands, Inc.; John Doe; ABC, Inc.;
and Def, LLC.

Defendants.

Civ. No. 23-01118 (GMM)

DEFAULT JUDGMENT

On March 10, 2023, Plaintiffs Cacho-Cambo Trust ("Trust") and Grupo Cacho, Inc.'s ("GCI"), (collectively, "Plaintiffs") filed the instant action against Defendants Helping Hands, Inc. ("Helping Hands"); Dawn Holding Company, LLC ("DHC"); and Kaushalya Siriwardana ("Siriwardana"), President/CEO of DHC and Helping Hands, (collectively, "Defendants"). (Docket No. 1). The Complaint asserted claims of fraud, civil conspiracy, *dolo*, conversion, unjust enrichment, breach of contract, and alleged violations of the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. §§ 1961-1968. (*Id.*). Plaintiffs sought "judgment, jointly and severally, against all defendants in the amount of six hundred million dollars (\$600,000,000.00), plus costs of this action, reasonable attorneys' fees, and such other and further relief as to the Court seems appropriate under the circumstances."

Civil No. 23-1118 (GMM)

Page – 2 –

(Id. at 38). With their Complaint, Plaintiffs also submitted Summons to coordinate service of process. (Id.)

On May 17, 2023, Plaintiffs filed a *Motion Requesting Authorization to Execute Service of Summons by Publication* after numerous failed attempts to locate and serve Defendants. (Docket No. 8). On May 18, 2023, the Court entered an Order granting Plaintiff's request to execute service of Summons by Publication. (Docket No. 9). On the same date, the Clerk of the Court issued Summons by Publication. (Docket No. 10). On June 1, 2023, the Summons by Publication was published in *El Nuevo Día*, a newspaper of general circulation in Puerto Rico. (Docket No. 11). On the same date, and pursuant to Puerto Rico Rule of Civil Procedure 4.6, within ten (10) days following the publication of the Summons, a copy of the Summons published in *El Nuevo Día*, as well as copies of the Complaint with its exhibits, Summons, Notice of Issuance of Summons, Informative Motion Submitting Exhibit and the Exhibit of said Motion were sent to Defendants by certified mail, return receipt requested, to their last known addresses. (Id.). On June 10, 2023, Summonses were also published in *The Dallas Morning News*, a newspaper of general circulation in Texas. On June 14, 2023, and pursuant to Puerto Rico Local Rule of Civil Procedure 4.6, a copy of the Summonses, as well as copies of the Verified Complaint with its Exhibits, Summons, Notice of Issuance of Summons, Informative Motion Submitting Exhibit, and the Exhibit of said Motion were

Civil No. 23-1118 (GMM)

Page – 3 –

sent to all Defendants by certified mail, return receipt requested, to their last known addresses (Docket No. 13).

Defendants did not file an Answer to the Complaint. But, on June 29, 2023, Plaintiffs filed an *Informative Motion and Request for Brief Stay* indicating that the Parties executed a settlement agreement and requested a 30-day stay to allow Defendants to consummate the Agreement through payment of the stipulated amount. (Docket No. 15). On August 16, 2023, Plaintiffs filed an informative motion reporting that Defendants had not yet paid Plaintiffs in accord with the Settlement Agreement and indicated their intention to move the court to enter default against defendants if such payment was not received by August 21, 2023. (Docket No. 21).

On August 21, 2023, Plaintiffs filed their first *Request for Entry of Default* ("First Default Request"). (Docket No. 22). On September 8, 2023, the Court granted Plaintiffs' First Default Request after Defendants failed to appear and respond. (Docket Nos. 27; 28). Then, on November 24, 2023, Plaintiffs filed *Plaintiffs' Informative Motion re Settlement Agreement* notifying the Court that the Parties signed a Revised Settlement Agreement for \$5,500,000.00. (Docket No. 30).

On February 6, 2023, Plaintiffs filed Plaintiffs' *Motion for Entry of Default Judgment by Default and Request for Ex Parte Trial to Determine Quantum of Damages* ("Second Default Request"), after

Civil No. 23-1118 (GMM)

Page — 4 —

Defendants made no contributions towards the settlement payment by January 30, 2024. (Docket No. 34). Therein, Plaintiffs requested that the Court: (1) enter a default judgment against Defendants; and (2) entertain an evidentiary hearing to determine the appropriate quantum of damages to be awarded in this case. (Id.). On February 27, 2024, the Court granted Plaintiffs' Second Default Request and entered a default judgment against Defendants. (Docket No. 39).

On March 15, 2024, Plaintiffs submitted *Plaintiffs' Pre-Hearing Memorandum Addressing "Appropriate Damages to be Awarded in this Case."* (Docket No. 44). Therein, Plaintiffs requested that the Court award them: (1) \$950,000.00 plus prejudgment interest for damages proximately caused by Defendants' breach of the MOA and the EPCF Agreement; (2) between \$173,880,000.00 and \$193,200,000.00 plus prejudgment interest for the loss of tax credits arising from Defendants breach of the MOA and EPCF Agreement; and (3) additional costs and attorneys' fees for Defendants' bad faith and violation of Section 6 of the MOA. (Id. at 6-11). Plaintiffs later supplemented their memorandum with additional exhibits to be presented at the damages hearing. (Docket Nos. 47; 53).

On April 5, 2024, a damages hearing was held. (Docket No. 61). Defendants did not appear. On April 18, 2024, Plaintiffs filed *Plaintiffs' Post-Hearing Memorandum Addressing Damages for*

Civil No. 23-1118 (GMM)

Page — 5 —

Attorneys' Fees and Costs and exhibits in support thereof ("Post-Hearing Memorandum"). (Docket Nos. 66; 64-1; 64-2).

Pursuant to the Court's Opinion and Order on May 22, 2024 (Docket No. 75), Final Default Judgment is ENTERED in favor of Plaintiffs, in the amount of \$950,000.00 for damages related to the Plaintiffs' paid Administrative Fee and \$57,149.70 in attorneys' fees and costs.

IT IS SO ORDERED.

In San Juan, Puerto Rico, May 23, 2024.

s/Gina R. Méndez-Miró
GINA R. MÉNDEZ-MIRÓ
UNITED STATES DISTRICT JUDGE